IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6415 OF 2004

Balaso Kallappa Wadkar — Petitioner

versus

State of Maharashtra & others — Respondents

WITH
WRIT PETITION NO.6416 OF 2004

Annaso Kallapa Wadkar — Petitioner

versus

State of Maharashtra & others — Respondents

WITH
WRIT PETITION NO.6419 OF 2004

Anna Appa Wadkar, since deceased through Heirs & LRs Ravindra Anna Wadkar & others — Petitioners

versus

State of Maharashtra & others — Respondents

WITH
WRIT PETITION NO.6420 OF 2004

Mahavir Kallappa Wadkar — Petitioner

versus

State of Maharashtra & others — Respondents

T.S.Ingale, adv. for petitioners.
C.R.Sonawane, AGP for respondents 1 to 5.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.

DATE : 27th October 2004

PC :

1. Rule. Learned AGP waives service for respondents. By consent, petitions are taken up for hearing.

2. Petitioners are agriculturists and permanent residents of Village Dudhgaon, Tal. Miraj, Dist. Sangli. By Notification dated 13th May 1977, provisions of Section 11 of the Maharashtra Resettlement of Project Displaced Persons Act, 1976 (for short "Act of 1976) were made applicable to Varna Project. The fourth respondent i.e. District Resettlement Officer issued notices to petitioners dated 6th November 1981 for acquisition of their lands for the purposes of resettlement of Varna Project displaced persons. Petitioners voluntarily agreed for acquisition of the lands and accordingly statements of petitioners were recorded by the District Resettlement Officer. Thereafter possession of lands was taken on different dates in 1983. On the basis of possession receipts, revenue authorities effected Mutation Entries bearing Nos.1810, 1837, 1618 and 1856 respectively in respect of petitioners lands and names of petitioners were deleted from the

record of rights. It appears that though the lands of the petitioners were acquired for resettlement of displaced persons ultimately it was decided that the lands should be used for the purpose of Gaothan and acquisition proceedings were accordingly initiated. But thereafter the proceedings were not persuaded and the proceedings lapsed by virtue of Section 11A of the Land Acquisition Act. Although possession of petitioners lands was taken in February 1983, compensation has not been paid to petitioners till this date inspite of several representations made by them. The petitioners have, therefore, approached this Court for directing the respondents to release the compensation.

3. On behalf of respondents counter affidavit has been filed by In-charge District Resettlement Officer, Sangli. It is stated that as the old land acquisition proposal could not be traced, a fresh land acquisition proposal is prepared and the same is sent to P.A.L.A.Q. (Land Acquisition Branch, Collectorate, Sangli) for further immediately action. Meanwhile, the grant of 2/3rd amount for initiating the land acquisition proposal is sent to the Executive Engineer, Warana Canal Division No.1, Islampur who has sanctioned the same and remitted it to the

Special Land Acquisition Officer No.9, Sangli. The compensation amount will be paid through the Special Land Acquisition Officer No.9, Sangli to the Petitioner immediately after the finalisation of the land acquisition proposal. In view of this categorical assurance that acquisition proceedings will be completed and award will be passed in respect of petitioners lands, no further orders are necessary on the petitions, save and except that respondents shall complete the process and release the amount of compensation to petitioners as expeditiously as possible and in any event on or before 30th April 2005. Writ Petitions are accordingly disposed of.

(A.P.SHAH, J.)

(S.C.DHARMADHIKARI, J.)